

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SHOKAT HAMED,

No. C-10-2790 JCS

Plaintiff,

v.

MACY'S WEST STORES INC.,

Defendants.

COURT'S PROPOSED JURY INSTRUCTION RE AMOUNT OF PUNITIVE DAMAGES

Dated: July 26, 2011



JOSEPH C. SPERO
United States Magistrate Judge

[PROPOSED] JURY INSTRUCTION RE AMOUNT OF PUNITIVE DAMAGES

The purposes of punitive damages are to punish a wrongdoer for the conduct that harmed the plaintiff and to discourage similar conduct in the future. There is no fixed standard for determining the amount of punitive damages, and you are not required to award any punitive damages.

If you decide to award punitive damages, you should consider all of the following in determining the amount:

- a. How reprehensible was Macy's conduct? In deciding how reprehensible Macy's conduct was, you may consider, among other factors:
 - (1) Whether the conduct caused physical harm;
 - (2) Whether Macy's disregarded the health or safety of others;
 - (3) Whether Ms. Hamed was financially weak or vulnerable and Macy's knew Ms. Hamed was financially weak or vulnerable and took advantage of her;
 - (4) Whether Macy's conduct involved a pattern or practice; and
 - (5) Whether Macy's acted with trickery or deceit.
- b. Is there a reasonable relationship between the amount of punitive damages and Ms. Hamed's harm?
- c. In view of Macy's financial condition, what amount is necessary to punish it and discourage future wrongful conduct? You may not increase the punitive award above an amount that is otherwise appropriate merely because Macy's has substantial financial resources.